



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No. 5643-21  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish Petitioner's authorization for Basic Allowance for Housing (BAH) from the single rate to with dependent rate from 24 December 2014 to 30 June 2018 and from 14 September 2018 to 27 February 2019.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 21 October 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 26 April 2013, Petitioner's child is born in [REDACTED], [REDACTED]. Petitioner is listed as father on birth certificate. Mother of child is active duty service member from 27 January 2009 through 26 January 2017. Mother's NAVPERS 1070/602 reflects Petitioner is claiming child from date of birth.

b. On 28 July 2014, Petitioner's NAVPERS 1070/602 reflects his BAH entitlement is single due to child residing with another active duty member who is drawing BAH with dependent based on that child. The mother's NAVPERS 1070/602 reflects she is receiving BAH for child effective 28 July 2014. Paragraph 260301 of reference (b), states a Service member is not authorized a housing allowance for child in custody of another active-duty Service member and that Service member receives a with-dependent housing allowance on behalf of the child.

c. Petitioner's Personnel On-line Listing (POLL) and Leave and Earnings Statement(s) reflect dependent support allotment deduction beginning December 2014 with payment effective January 2015 through June 2018, with starting of allotment for \$600.00 effective September 2018 through May 2019.

d. On 16 December 2016, Petitioner marries a military spouse who is not military mother of child born on [REDACTED].

Subj: REVIEW OF NAVAL RECORD OF GM1 JUAN A ASTORGA, USN, XXX-XX-0943

e. On 26 January 2017, Service member who is receiving BAH for child born on [REDACTED] is discharged from active duty and joined to Navy Reserves effective 4 October 2017. Her Master Military Pay Account (MMPA) available for BCNR review begins on 11 April 2016 reflecting she is in receipt of BAH at dependent rate from this date through date of separation.

f. On 28 February 2019, Petitioner's second child is born in [REDACTED] and BAH changed to with dependent rate effective this date for zip code [REDACTED]. Petitioner's MMPA reflects he was receiving BAH at single rate from 14 October 2016 through 27 February 2019 for zip code [REDACTED].

#### CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board determined Petitioner was paying child support via allotment from January 2015 through June 2018 and again from September 2018 through May 2019, with no evidence of non-support claims by the mother of child. The mother of the child born on [REDACTED] was an active duty Service member receiving BAH at with dependent rate from 28 July 2014 through 26 January 2017. The Board concluded only one active duty Service member may receive housing allowance for child of both active duty members and partial relief is warranted.

#### RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner authorized BAH credit for BAH at with dependent rate effective 27 January 2017 through 30 June 2018 for zip code [REDACTED].

Petitioner authorized BAH credit for BAH at with dependent rate effective 14 September 2018 through 27 February 2019 for zip code [REDACTED].

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

11/11/2021

[REDACTED]  
Deputy Director  
[REDACTED]